

## **Response**

### **A. Introduction**

Claims 1-26 were pending in the application prior to entry of the foregoing amendments, and *claims 1-17, 19, and 21-31* are pending now. The Examiner initially rejected (1) claims 1, 22-24, and 26 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,802,592 to Wessels, (2) claim 6 under Section 102(b) as anticipated by U.S. Patent No. 6,238,553 to Lin, (3) claims 15-16 under Section 102(b) as anticipated by U.S. Patent No. 6,365,039 to Henkin, et al, (4) claims 19-20 under 35 U.S.C. § 103(a) as obvious in view of any of the Lin patent or U.S. Patent Nos. 5,169,236 to Iest or 5,681,110 to Burzacchi, (5) claim 14 under Section 103(a) as obvious in view of the Wessels patent, and (6) claim 17 under Section 103(a) as obvious in view of the combined disclosures of the Henkin and Lin patents. Claims 2-5 are allowed, and the Examiner indicated claims 7-13, 18, 21, and 25 would be allowable if appropriately rewritten.

### **B. Claims 7-13, 15-17, and 21**

Applicants do not concede the propriety of any of the Examiner's rejections. Nevertheless, to expedite allowance of selected claims, Applicants have (1) redrafted objected-to claim 7 in independent form, (2) incorporated features of objected-to claim 18 into independent claim 15 (and cancelled claim 18 to avoid redundancy), and (3) rewritten objected-to claim 21 in independent form. Consistent with the Examiner's indications of allowability, Applicants request that claims 7-13, 15-17, and 21 be allowed.

### C. Claims 1, 6, 14, and 22-31

#### 1. *Independent Claims 1 and 6*

Referenced in both independent claims 1 and 6 is an *automatic swimming pool cleaner* having features including an automatically-displaceable body and either a float at least partly contained within the body or means for indicating information concerning water temperature. The Examiner apparently considers the skimmer of the Wessels patent (cited against claim 1) and the chlorinator of the Lin patent (cited against claim 6) to constitute “automatic swimming pool cleaners” as recited in the claims. Applicants, however, disagree.

Indeed, *in no way* is housing 11 of the chlorinator of the Lin patent “automatically displaceable,” contrary to the Examiner’s contention. Instead, *housing 11 merely floats within a pool*, wholly disconnected from any electrical, mechanical, or other source able to effect its movement. For at least this reason, Applicants request that the citation of the Lin patent be withdrawn and independent claim 6 (together with dependent claims 29-30) be allowed.

Applicants likewise do not believe the skimmer of the Wessels patent to be an “automatic swimming pool cleaner” as described in claim 1.\* Even assuming, however, that Applicants’ belief is mistaken, *box 10 (which the Examiner considers to be the “body”) does not contain--partly or otherwise--floats 11 and 12*, and the floats clearly are not visible *through* box 10. Rather, floats 11 and 12 undeniably are outside the confines of box 10 and merely attached thereto.

---

\*In fact, the Wessels patent *expressly distinguishes* its skimmer from an automatic swimming pool cleaner, stating that the skimmer valve is “connected . . . between a filter plant and an automatic pool cleaner.” See Wessels, col. 2, ll. 15-16.

Applicants accordingly request that the Examiner's rejections of claims 1, 14, 22-24, and 26 be withdrawn and these claims, together with objected-to claim 25 and new claims 27-28, be allowed.

## *2. Dependent Claims*

### *a. (New) Claims 27-30*

Because designed to clean underwater surfaces of a pool, automatic pool cleaners of the present invention are *automatically displaceable laterally* within the pool. As noted above, the chlorinator of the Lin patent is not automatically displaceable in any manner. Further, although the skimmer of the Wessels patent may move *up and down* within the pool volume, *that patent neither teaches nor suggests any automatic lateral movement of the skimmer* within a pool. Applicants thus believe claims 27-30 are allowable for this reason as well.

### *b. (New) Claim 30*

Depending indirectly from claim 6, claim 30 additionally recites that the automatic pool cleaner have means for attachment to a hose. As noted above, the chlorinator of the Lin patent is a free-floating unit, wholly disconnected from any hose or similar object. Applicants believe yet another basis thus supports allowance of new claim 30.

### *c. Claims 14, 22-23, and 26*

Each of claims 14, 22-23, and 26, rejected based on the disclosure of the Wessels patent, relates to relationships between a float and a body of an automatic swimming pool cleaner. Claim 14, for example, details existence of a window through which the float is visible, thus allowing a user to view information provided

by the float (as, for example, through a color change) yet protecting the float from damage. Claim 22 describes the float as protruding from the body, thereby enhancing its visibility, and claims 23 and 26 recite the manner in which the float is fitted into or attached at and retained in an opening of the body.

The Examiner's contentions respecting these claims and independent claim 1 are inconsistent. If, as the Examiner contends, box 10 of the Wessels patent is a "body," see Office Action at p. 2, *clear is that box 10 has no window whatsoever*--much less a window through which floats 11 and 12 are visible. By contrast, if the Examiner contends that the flaps outside box 10 to which the floats appear to be attached are somehow part of the "body," then *(1) there is no indication the floats are visible through the flaps and (2) the floats do not "protrude outside" the flaps*. Similarly, although box 10 contains various openings, *floats 11 and 12 are not fitted into, attached at, or retained in any such openings*. Because the Wessels patent fails to disclose or suggest any of these features of claims 14, 22-23, and 26, Applicants believe multiple bases exist for allowance of these claims as well.

### 3. (New) Claim 31

Analogous reasoning applies for new claim 31. Like claims 1 and 6, claim 31 refers to an automatic swimming pool cleaner with a body that is automatically displaceable laterally within a pool. Unlike the Wessels patent, further, claim 31 refers to "a float at least partly contained within the body but visible outside the body." Applicants hence request that new claim 31 too be allowed.

#### **D. Claim 19**

Independent claim 19, finally, discusses a swimming pool water-circulation system comprising a pump, piping, and

means, comprising a hose contained at least partially within the perimeter [of the pool], for indicating information concerning the temperature of any water contained within the . . . pool.

The Examiner rejected this claim (which was formerly numbered claim 20), contending its subject matter is obvious over any of the Iest, Burzacchi, or Lin patents. Applicants again disagree.

In this version of Applicants' invention, *a hose itself forms part of the temperature-indicating means*, the hose, for example, being formed of material that changes color in response to certain changes in water temperature. Although the Examiner asserts it would be obvious to use a hose *in connection with* a temperature indicator, see Office Action at p. 3, *this is not the same as having the hose function to provide temperature information itself*. None of the Iest, Burzacchi, or Lin patents teaches or suggests having a hose operate in this manner, instead relying on conventional thermometers (as in the Iest patent) or thermistors (as in the Burzacchi and Lin patents) to provide temperature information. Applicants accordingly request that claim 19 also be allowed.

### Fees

Enclosed is a check for \$312.00 for presentation of additional claims. Applicants believe no other fee currently is due. However, if Applicants' belief is mistaken, the Commissioner is authorized to debit Deposit Account No. 11-0855 for any additional fee due as a consequence of Applicants' submission of this paper.

### Conclusion

Applicants request that the Examiner allow claims 1, 6-17, 19, and 21-31 and that a patent containing these claims and allowed claims 2-5 issue in due course.

Respectfully submitted,

OF COUNSEL:

Kilpatrick Stockton LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309  
(404) 815-6528



Dean W. Russell  
Reg. No. 33,452  
Attorney for the Assignee